

REMARKS

Responsive to the Office Action mailed 07 October 2008 and with an extension of time of ONE MONTH, the present paper is timely filed on or before 09 February 2009, the first day after 07 February that is not a Saturday, Sunday, or holiday in the District of Columbia.

By the present paper, claims 20 - 42 are cancelled without prejudice or disclaimer of subject matter therein, and new claims 43 - 51 are presented. Accordingly, claims 43 - 51 are in the Application. A substitute specification (including abstract) is also filed herewith.

Entry of the new claims and reconsideration of the Application are respectfully requested.

The Substitute Specification:

A substitute specification is provided to remove the German-language headings on pages 4, 5, and 6 of the specification, as required by the Office Action.

The substitute specification also includes a replacement abstract as required by the Office Action.

Objections to the Specification:

The specification and abstract were objected to for various informalities. Applicants respectfully submit that filing of the substitute specification obviates the objections.

the objections.

The Claim Objections:

Claims 2-25, 29-30, and 33 were objected to for alleged informalities or for matters relating to form. Applicants respectfully submit that cancellation of these claims obviates the objections.

Claim Rejections Under 35 U.S.C. § 102:

Claims 20 - 23, 26, 27, 30, and 35 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Shimizu et al., United States Patent 5,228,932 ("the '932 patent"). For reasons set out below, Applicants respectfully traverse.

Claim 20 is cancelled and replaced with new claim 43 that, inter alia, limits Cr to > 17.5% to 19% and Al to > 2.5% but less than 5%. The ranges of Al and Cr disclosed in the '932 patent envelop those of new claim 43. But the aluminum content specified in claim 43 spans a range of 2.5% Al, the '932 patent discloses a range of Al content 3 times larger (9% Al). The chromium content required by claim 43 spans a range of only 1.5% Cr, the '932 patent discloses a range of chromium content twelve times larger (18% Cr).

Applicants respectfully submit that the '932 patent fails to disclose the narrow range of Al and Cr contents required by Applicants' claims.

The '932 patent also fails to suggest let alone disclose the limitations on content of P and S required by Applicants claim 43. Accordingly, Applicants

respectfully submit that the '932 patent cannot be said to anticipate claim 43, or any claim depending from it.

Claims 20, 21, 24, 25, 28, 29, and 31-35 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Aggen et al., United States Patent 4,414,023 ("the '023 patent"). Applicants respectfully traverse.

The alloys disclosed in the '023 patent all have either 6% to 13% Cr or 21% Cr. None of the alloys disclosed in the '023 patent meet the limitation on Cr content recited in claim 43. The '023 does not disclose all of the limitations of Applicants' claim 43 and cannot be said to anticipate claim 43 or any claim depending from it.

Conclusion:

Based on the forgoing amendments and remarks, Applicants respectfully submit that the claims are now in condition for allowance, which allowance is earnestly solicited. If, in the opinion of the Examiner, a telephone conference would advance prosecution of the application, the Examiner is invited to telephone the undersigned attorneys.